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May 6, 2003

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Mr. John G. Malcolm
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
10th and Constitution Ave., NW
Washington, DC 20530

Dear Mr. Malcolm:

Thank you for testifying at the Crime Subcommittee's hearing on bills relating to regulation of internet gambling and for agreeing to answer questions in writing. To that end, I would appreciate prompt answers to the following questions so that the full Committee would have the benefit of your views in advance of reporting any legislation:

H.R. 21, the Unlawful Internet Gambling Funding Prohibition Act, excludes from its definition of "bets or wagers" "any lawful transaction with a business licensed or authorized by a State." During the Subcommittee hearing you indicated that this would "absolutely" allow internet gambling on state lotteries.

- (1) Does the Department believe that current law prohibits all types of internet gambling, including gambling on horse racing, dog racing, or lotteries?
- (2) Does the Department believe that the language, quoted above, would allow internet gambling on horse racing, if the entity was licensed or authorized by a state?
- (3) Does the Department believe that the language, quoted above, would allow internet gambling on dog racing, if the entity was licensed or authorized by a state?
- (4) Does the Department believe that the language, quoted above, therefore, expands legal gambling opportunities on the internet?
- (5) Does the Department believe that the language, quoted above, requires that an entity be licensed or authorized by a state to conduct *internet* gambling or that it would suffice for an entity to be licensed or authorized by a state for some other purpose?

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(6) Would the Department support an amendment to strike the language, quoted above, or otherwise clarify that the bill does not weaken the prohibitions in current law on internet wagering?

I would welcome any further explanation you wish to provide. I would greatly appreciate a reply by Monday, May 12, if at all possible. Please reply to B-351-C Rayburn HOB and fax to Ted Kalo at 225-7680. Thank you.

Sincerely,



John Conyers, Jr.
Ranking Member

cc: Hon. F. James Sensenbrenner
Mr. Jamie E. Brown, OLA, DOJ